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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,631	11/18/2003	Jin-Seung Sohn	Q78520	3244

7590 02/16/2005
 SUGHRUE, MION, ZINN,
 MACPEAK & SEAS. PLLC
 2100 Pennsylvania Avenue, N.W.
 Washington, DC 20037-3202

EXAMINER

LETSCHER, GEORGE J

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,631	SOHN ET AL	
	Examiner	Art Unit	
	George J. Letscher	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 154 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 154 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/947,895.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28, 11/8 & 11/18/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Content of information disclosure statement

1. Any information disclosure statement filed under § 1.97 shall include:
A concise explanation of the relevance, as it is presently understood by the individual designated in §1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein. Upon a cursory review of the cover sheets (as well as looking for certificate of correction sheets), the Examiner cannot find a substantial number of currently cited references which Applicant has pointed out as already being in the Parent Application (now US 6,535,475) or other children Patents (US 6,456,583 or US 6,373,154). Examples of these references are the one of the IDS submittals from 11/18/03 filing date – JP11-113213 is the first previously unlisted patent; on sheet 2 of 3 of another 11/18/03 IDS filing, JP 11-025585 through JP 10-309059 cannot be found in the aforementioned patents by the Examiner. Clarification is requested of Applicant showing which parent applications the IDSs initially appeared.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 154 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. US 6,535,475. Although the conflicting claims are not identical, they are not patentably distinct from each other because the aforementioned claim recite the following features, inter alia, disclosed in Sohn '475: a spindle motor (100) having a rotational shaft (130); a turntable (200) for accommodating a recording medium (1); a clamper (300) for holding the storage medium; a self-compensating dynamic balancer (400) mounted to at least one among members which are rotated by the rotational force provided by said spindle motor, wherein said self-compensating dynamic balancer thereby compensates for vibrations; see Figures 2, 4A and 20-26 of Sohn et al '475.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 154 is rejected under 35 U.S.C. 102(b) as being anticipated by Saiki (JP 03-086968).

The aforementioned claims recite the following features, inter alia, disclosed in Saiki: a spindle motor (not shown) having a rotational shaft (12); a turntable (15) for accommodating a recording medium (3); a clamper (25) for holding the storage medium; a self-compensating dynamic balancer (1, 10) mounted to at least one among members which are rotated by the rotational force provided by said spindle motor, wherein said self-compensating dynamic balancer thereby compensates for vibrations; see the Constitution and Figures 1-3 of Saiki JP 3-086968.

Conclusion

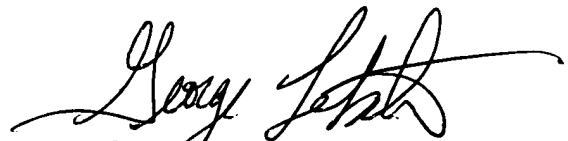
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George J. Letscher whose telephone

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number is 703-305-7912. The examiner can normally be reached on
Conventional.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, William Korzuch can be reached on 703-305-6137. The
fax phone number for the organization where this application or proceeding is
assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
PAIR. Status information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system, see
<http://pair-direct.uspto.gov>. Should you have questions on access to the
Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-
9197 (toll-free).



George J. Letscher
Primary Examiner
Art Unit 2653

GJL

2/14/05